

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOMINIC BLACK,

Plaintiff,

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE, *et al.*,

Defendants.

No. 1:20-CV-00938

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

SEPTEMBER 10, 2020

Plaintiff filed the instant action on June 10, 2020 and it was jointly assigned to the undersigned and to a magistrate judge.¹ Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”² Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.³

On June 22, 2020, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the Court grant Plaintiff’s request to proceed *in forma pauperis* but also dismiss Plaintiff’s complaint without prejudice to Plaintiff endeavoring to correct

¹ See Verbal Order of June 22, 2020.

² 28 U.S.C. 636(b)(1)(B).

³ 28 U.S.C. 636(b)(1).

the defects cited in Magistrate Judge Carlson's report, provided that Plaintiff acts within 20 days of any dismissal order.

Plaintiff filed timely objections to Magistrate Judge Carlson's report and recommendation. When objections are timely filed, the District Court must conduct a de novo review of those portions of the report to which objections are made.⁴ Although the standard of review for objections is de novo, the extent of review lies within the discretion of the District Court, and the Court may otherwise rely on the recommendations of the magistrate judge to the extent that it deems proper.⁵ For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."⁶ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁷

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

⁴ 28 U.S.C. § 636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011).

⁵ *Rieder v. Apfel*, 115 F. Supp. 2d 496, 499 (M.D. Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

⁶ Fed. R. Civ. P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Carlson's June 22, 2020 Report and Recommendation, Doc. 11, is **ADOPTED in full**.
2. Plaintiff's request to proceed *in forma pauperis* is **GRANTED**.
3. Plaintiff's motion for leave to amend, Doc. 21, is **DENIED as moot**.
4. Plaintiff's Complaint, Doc. 1, is **DISMISSED WITHOUT PREJUDICE** to Plaintiff endeavoring to correct the defects cited in Magistrate Judge Carlson's June 22, 2020 Report and Recommendation, provided that Plaintiff acts within 20 days of this dismissal Order.
5. This matter is referred back to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge